IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 543 of 1999

with

CIVIL REVISION APPLICATION No 231 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAVJIBHAI KARSANBHAI

Versus

PARSOTTAMBHAI MOHANBHAI PIPALIYA

Appearance:

1. Civil Revision Application No. 543 of 1999
   MR HARIN P RAVAL for Petitioner No. 1-13
   MR PRAVIN GONDALIYA for Respondent No. 1
   (MR JAYANT PATEL) for Respondent No. 2
2. Civil Revision Application No. 231 of 1999
   (MR JAYANT PATEL) for Petitioner No. 1
   MR PRAVIN GONDALIYA for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. These are Revision Applications under section 115 of the Code of Civil Procedure, which would now be governed by the Code of Civil Procedure (Amendment) Act, 1999, particularly the amendment to the proviso to the said section.

2. The applicants as also the opponents in both these Revisions are parties in Regular Civil Suit No. 235 of 1998 in which the trial Court passed an order below Exh.5 and issued an injunction against the defendants of this Suit. This order passed by the trial Court lead the different group of defendants to file two separate appeals under Order 43 Rule 1 before the District Court, viz. Civil Misc. Appeals No. 128 of 1998 and 129 of 1998. The lower appellate Court, after hearing the parties, dismissed both the appeals. Hence the present two Revision Applications have been filed at the instance of the separate appellants in the appeal before the lower appellate Court.

3. In the context of the present Revisions, it is pointed out by the learned counsel for the respondent No.2 in the Revisions that the root of the Revisions, viz. Civil Suit No. 235 of 1998 from which the present Revisions arise, has been finally disposed of by a judgment and decree dated 26th February 2002. The certified copy thereof has been placed on record. As a result of perusing the said certified copy, it is found that the suit is accordingly disposed of. Obviously therefore, the present Revision Applications will not survive, and are, therefore, disposed of accordingly. Rule is discharged with no orders as to costs. Interim Relief stands vacated in both the Revision Applications.

[Y.B. BHATT, J.]

mathew